

FILED BY

AUG 18 2008

Thomas M. Gould, Clerk
U. S. District Court
W. D. OF TN, Memphis

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHN McFERREN, JR. ET AL.

Plaintiffs,

and

UNITED STATES OF AMERICA

Plaintiff-Intervenor,

vs.

COUNTY BOARD OF EDUCATION
OF FAYETTE COUNTY TENNESSEE,
ET AL.

Defendants.

Civil Action No. C-65-136

**MOTION TO INTERVENE
FILED BY FAYETTE COUNTY, TENNESSEE,
A POLITICAL SUBDIVISION OF THE STATE OF TENNESSEE**

COMES NOW, Fayette County, Tennessee, a political subdivision of the State of Tennessee (hereinafter "Fayette County", "County" or "Movant"), by and through counsel, and respectfully submits this Motion to Intervene. Fayette County would respectfully show to the Court that the County's intervention in this matter is necessary to protect the County's substantial legal and financial interests in this matter, to fulfill its responsibilities to the citizens of Fayette County, and to ensure compliance with the Court's desegregation orders. The Fayette County Board of Education (the "Board") has failed to observe the Court's orders to desegregate the schools of Fayette County for thirty-three years, and the Board is now making representations to the USDOJ which will not promote further integration of the school system and which are beyond its authority. The Board has flatly rejected and the USDOJ has

failed to respond to the Movant's earnest attempts to promote further desegregation of the Fayette County School System, and intervention is necessary to protect the County's substantial legal and financial interests in this matter, as well its responsibilities to the citizens of Fayette County. The County respectfully requests the Court to issue an Order allowing Fayette County to intervene in this matter, or in the alternative, that a hearing may be had concerning these matters.

WHEREFORE AND FOR ALL OF WHICH, Fayette County respectfully requests that the Court enter an Order:

1. Allowing Fayette County to intervene in the pending action to protect its substantial legal and financial interests;
2. Granting a hearing on these matters if the Court considers it necessary; and
3. Granting all other such relief of both a general and specific nature that the Court deems necessary in this action.

Respectfully submitted,



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Attorneys for Fayette County

CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.2(a)(B), the Movant certifies that after consultation between the parties, the parties are unable to reach an accord as to all issues contained within this motion. The parties met at the offices of Thomas M. Minor, Attorney for the Board of Education of Fayette County, on Thursday, July 24, 2008. Present at the meeting were Thomas Minor, Esq. and Superintendent Myles Wilson on behalf of the Fayette County Board of Education; Rhea Taylor, Mayor of Fayette County; Richard Rosser, County Attorney for Fayette County; and Stephen L. Shields and Timothy A. Perkins of JACKSON, SHIELDS, YEISER & HOLT on behalf of Fayette County. A representative from the Department of Justice could not be reached after several attempts via telephone and written correspondence.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document is being filed and served via United States Mail, this 18th day of August, 2008, on:

Thomas J. Minor, Esquire
Attorney for County Board of
Education of Fayette County Tennessee
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